

HOIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BIODELIVERY SCIENCES
INTERNATIONAL, INC. and ARIUS
TWO, INC.,

Plaintiffs,

v.

ALVOGEN PB RESEARCH &
DEVELOPMENT LLC, ALVOGEN
MALTA OPERATIONS LTD., ALVOGEN
PINE BROOK LLC, ALVOGEN, INC., and
ALVOGEN GROUP, INC.,

Defendants.

C.A. No. 18-1395 (CFC)

[PROPOSED] ORDER

Having considered Plaintiffs' Motion to Strike, **IT IS HEREBY ORDERED**

this 21st day of September, 2021 that:

1. Plaintiffs' Motion to Strike is GRANTED; and
2. The following are STRICKEN:
 - Defendants' legal defenses of inherency, anticipation, and inequitable conduct that appear at pages 4, 33-36, 38-39, 40-41, 45 & n.21, 46, 51-52, of Defendants' Post-trial opening brief and at pages 2, 4, 8, 10, 13-15, 22-23 of Defendants' Reply brief;
 - Defendants' proposed findings 19, 94 & n.3, and 141; and

- Defendants' reliance on documents not admitted into evidence:
(1) U.S. Patent No. 6,159,498 in support of their additional inequitable conduct arguments; and (2) the IPR document cited in Defendants' finding of fact 94 & n.3 and relied on at page 27 of Defendants' Post-trial brief.



UNITED STATES DISTRICT JUDGE